

**ASSEMBLY, No. 134**

---

**STATE OF NEW JERSEY**

**220th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman HAROLD "HAL" J. WIRTHS**

**District 24 (Morris, Sussex and Warren)**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**SYNOPSIS**

Sunsets “Highlands Water Protection and Planning Act” five years after date of enactment unless certain conditions are met.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the Highlands Region and supplementing  
2 P.L.2004, c.120 (C.13:20-1 et al.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. a. Commencing on August 10, 2009, the provisions of the  
8 “Highlands Water Protection and Planning Act,” P.L.2004, c.120  
9 (C.13:20-1 et al.) shall cease to be in effect unless by that date the  
10 State has:

11 (1) established a dedicated source of funding for the acquisition,  
12 from willing sellers, of lands located within the preservation area  
13 for recreation and conservation purposes or farmland preservation  
14 purposes, provided that the owner of any such lands at the time of  
15 proposed acquisition is the same person who owned the lands on the  
16 date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has  
17 owned the lands continuously since that enactment date, or is an  
18 immediate family member of that person; and

19 (2) provided that acquisitions from the dedicated source of  
20 funding are based on an appraisal or appraisals of the value of the  
21 lands that shall be made using (a) the land use zoning of the lands,  
22 and any State environmental laws or Department of Environmental  
23 Protection rules and regulations that may affect the value of the  
24 lands, subject to the appraisal and in effect at the time of proposed  
25 acquisition, and (b) the land use zoning of the lands, and any State  
26 environmental laws or Department of Environmental Protection  
27 rules and regulations that may affect the value of the lands, subject  
28 to the appraisal and in effect on August 9, 2004, and the landowner  
29 has been provided with both values determined pursuant to this  
30 paragraph. If the appraisal made pursuant to subparagraph (b) of  
31 this paragraph is the higher of the appraisal values, then that value  
32 shall be utilized as the basis for negotiation with the landowner with  
33 respect to the acquisition price for the lands. A landowner may  
34 waive any of the requirements of this paragraph and may agree to  
35 sell the lands for less than the values determined pursuant to this  
36 paragraph.

37 b. As used in this section:

38 “Acquisition” means the obtaining of a fee simple or lesser  
39 interest in land, including but not limited to a development  
40 easement, a conservation restriction or easement, or any other  
41 restriction or easement permanently restricting development.

42 “Farmland preservation purposes” means the same as that term is  
43 defined in section 3 of P.L.1999, c.152 (C.13:8C-3).

44

45 2. This act shall take effect immediately.

## STATEMENT

This bill would sunset the provisions of the “Highlands Water Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et al.) on August 10, 2009, unless by that date a dedicated source of funding has been established by the State for the acquisition from willing sellers of lands located within the preservation area for recreation and conservation purposes or farmland preservation purposes, provided that the owner of any such lands at the time of proposed acquisition is the same person who owned the lands on the date of enactment of the “Highlands Water Protection and Planning Act” (i.e., August 10, 2004) and who has owned the lands continuously since that date, or is an immediate family member of that person. Further, the bill provides that acquisitions from the dedicated source of funding would be based on an appraisal or appraisals of the value of the lands made using (1) the land use zoning of the lands, and any State environmental laws or Department of Environmental Protection (DEP) rules and regulations that may affect the value of the lands, subject to the appraisal and in effect at the time of proposed acquisition, and (2) the land use zoning of the lands, and any State environmental laws or DEP rules and regulations that may affect the value of the lands, subject to the appraisal and in effect on August 9, 2004, and with both values provided to the landowner. If the latter appraisal (i.e., the “pre-Highlands act” value) is the higher of these two values, the bill would require that it be utilized as the basis for negotiation with the landowner with respect to the acquisition price for the lands.

Property owners in the preservation area bear the burden of the development restrictions imposed by, and the impact on their property values resulting from, the “Highlands Water Protection and Planning Act.” It is only fitting that the State should establish a dedicated source of funding to compensate these landowners.